AMENDMENTS IN THE CLAIMS

Please amend the claims as follows:

1. - 44. (Cancelled)

45. (New) A method for allocating a spare area on a recording medium, the recording medium including a data area, the method comprising:

allocating a first spare area within the data area on the recording medium, the first spare area including a first replacement area for replacing a defective block and a management area for recording management information associated with the defective block,

wherein the first replacement area has a variable size and a ratio of a size of the first replacement area to a size of a user data area within the data area is less than a predetermined value.

46. (New) The method as claimed in claim 45, further comprising,

allocating a second spare area within the data area, the second spare area including a second replacement area for replacing a defective block,

wherein the second replacement area has a fixed size and a ratio of a total size of the first and second replacement areas to a size of the user data area within the data area is less than a predetermined value.

47. (New) A recording medium, comprising:

a data area including a user data area and a first spare area, the first spare area including a first replacement area for replacing a defective block and a management area for recording management information associated with the defective block,

wherein the first replacement area has a variable size and a ratio of a size of the first replacement area to a size of the user data area within the data area is less than a predetermined value.

48. (New) The recording medium as claimed in claim 47, wherein the data area further includes a second spare area, the second spare area including a second replacement area for replacing a defective block,

wherein the second replacement area has a fixed size and a ratio of a total size of the first and second replacement areas to a size of the user data area within the data area is less than a predetermined value.

49. (New) A method for recording defect management information on a recording medium, the recording medium including a lead in area and a data area, the method comprising:

recording temporary defect management information into one of at least a temporary management area allocated to the lead in area and the data area before the recording medium is finalized, and

wherein the data area includes a spare area and a user data area, the spare area including a replacement area for replacing a defective block and a temporary management area for recording the temporary defect management information associated with the defective block, the replacement area having a variable size and a ratio of a size of the replacement area to a size of the user data area being less than a predetermined value.

50. (New) The method as claimed in claim 49, further comprising:

recording final defect management information into at least one management area allocated to the lead in area when the recording medium is finalized.

51. (New) A recording medium, comprising:

a lead in area,

a data area, and

at least one temporary management area storing temporary defect management information before the recording medium is finalized, which is allocated to the lead in area and the data area,

wherein the data area includes a spare area and a user data area, the spare area including a replacement area for replacing a defective block and a temporary management area for recording the temporary defect management information associated with the defective block, the replacement area having a variable size and a ratio of a size of the replacement area to a size of the user data area being less than a predetermined value.

52. (New) The recording medium as claimed in claim 51, further comprising:

at least one management area storing final defect management information when the recording medium is finalized, which is allocated to the 5 lead in area.